

MINUTES OF MEETING – MAY 27, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 27th day of May, 2003, the Commissioners' Court convened the regular Voting Session at 9:17 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Travis County Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 11:58 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:44 PM and adjourned at 1:44 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:44 PM and adjourned at 1:51 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:51 PM.

The Commissioners' Court retired to Executive Session at 3:19 PM.

The Commissioners' Court reconvened the Voting Session at 4:38 PM.

The Commissioners' Court adjourned the Voting Session at 4:50 PM.

CITIZENS COMMUNICATION

Clerk's Note: No speakers addressed the Court. (9:23 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1–C7 and Items 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20.A and B, 22, 23, 24, 25.A and B, 27, 28, 29, 36, and 38. (9:55 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF MAY 13, 2003.
- C4.** APPROVE OFFICIAL BOND FOR RESERVE DEPUTY MICHAEL KENNETH CRUTCHLEY IN CONSTABLE PRECINCT 5.
- C5.** APPROVE SETTING A PUBLIC HEARING DATE AND ACTION ITEM ON JUNE 17, 2003 IN ORDER TO AUTHORIZE THE FILING OF AN ORDER TO VACATE PORTIONS OF THE RIGHT-OF-WAY OF BARTON CREEK BOULEVARD (FORMERLY TRAVIS COOK ROAD) IN BARTON CREEK SECTION H, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY)
- C6.** APPROVE SETTING A PUBLIC HEARING ON JULY 1, 2003 TO DISCUSS AND APPROVE A PARTIAL VACATION AND A PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOT 15, THE RANCH, SECTION TWO, REPLAT OF LOTS 15-22 AND 24-26 (SHORT FORM PLAT – 1 LOT – 0.234 ACRES – FOUNDERS PLACE AT FOUNDERS CIRCLE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY AQUASOURCE – OUTSIDE ALL ETJs). (COMMISSIONER DAUGHERTY)

CONSENT ITEMS CONTINUED

- C7.** APPOINT CHARLES F. DENMAN TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #3 AS A PRECINCT THREE APPOINTEE, TERM EFFECTIVE THROUGH DECEMBER 2004. (COMMISSIONER DAUGHERTY)

ADMINISTRATIVE OPERATIONS ITEMS

- 5.** REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$346,959.36 FOR THE PERIOD OF MAY 9 THROUGH MAY 15, 2003. (9:55 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 6.** APPROVE PERSONNEL AMENDMENTS. (9:55 AM)

Clerk's Note: Item 6 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 7.** APPROVE STAFF REIMBURSEMENT OF \$122.33 FOR RECRUITMENT EXPENSES ASSOCIATED WITH THE EXECUTIVE MANAGER, JUSTICE AND PUBLIC SAFETY, JOB VACANCY. (9:55 AM)

Clerk's Note: Item 7 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

8. APPROVE EXEMPTION ORDER FOR THE PROCUREMENT OF ENGINEERING SERVICES FOR THE DESIGN OF THE BUILDER'S SQUARE BUILDING. (FM) (COMMISSIONER GOMEZ) (9:55 AM)

Clerk's Note: Item 8 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

9. APPROVE CONTRACT AWARD FOR SELF-CONTAINED BREATHING APPARATUS, IFB B030096-OJ, TO THE SOLE BIDDER, FIRE SUPPLY, INC. (SHERIFF) (COMMISSIONER GOMEZ) (9:55 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 00T0048-EH, FIRE ALARM SYSTEMS SERVICES, NAME CHANGE FROM GRINNELL FIRE PROTECTION TO SIMPLEXGRINNELL. (FAC MGMT) (COMMISSIONER GOMEZ) (9:55 AM)

Clerk's Note: Item 10 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

11. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS020180LB WITH JOHN MCCORMICK FOR ASSIGNMENT OF LITIGATION SERVICES CONTRACT. (COUNTY ATTORNEY) (COMMISSIONER GOMEZ) (9:55 AM)

Clerk's Note: Item 11 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

12. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0171-MP, AMERITEX GUARD SERVICES, FOR ON-SITE COMMISSIONED GUARD SERVICES. (DRO & TCCES) (COMMISSIONER GOMEZ) (9:55 AM)

Clerk's Note: Item 12 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 13. APPROVE CONTRACT AWARD FOR PAINT AND PAINT SUPPLIES, IFB B030098-DR, TO THE SOLE BIDDER, MONARCH PAINT. (FAC MGMT) (COMMISSIONER GOMEZ) (9:55 AM)

Clerk's Note: Item 13 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 14. DISCUSS AND TAKE APPROPRIATE ACTION ON REQUEST TO AWARD CONTRACT FOR PROFESSIONAL CONSULTING SERVICES FOR THE LANDFILL ODOR/GAS EMISSION STUDIES, RFS S030115-DM. (TNR) (JUDGE BISCOE) (1:52 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; John Kuhl, Natural Resources Program Manager, TNR; Joyce Best, Northeast Austin Resident; and Trek English, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Staff's recommendation; and to have this back on the Court's Agenda next week, June 3, 2003, for the Court to look at the contract.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 14 to be reposted on June 3, 2003.

- 17. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 5 AND 6, BLOCK M, MOUNTAIN CREEK LAKES SECTION ONE (REVISED PLAT – 1 LOT – 0.66 ACRES – LAKE WOOD CIRCLE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – OUTSIDE ALL ETJs). (COMMISSIONER DAUGHERTY) (9:55 AM)

Clerk's Note: Item 17 is the action item for the public hearing on Agenda Item 3.

Clerk's Note: Item 17 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 18. APPROVE THE USE OF ALTERNATIVE FISCAL FOR ELM CREEK SECTION 1, A SUBDIVISION IN PRECINCT 1. (COMMISSIONER DAVIS) (9:55 AM)

Clerk's Note: Item 18 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 19. DISCUSS THE RESTRUCTURING OF TNR'S ROAD AND BRIDGE DIVISION AND TAKE APPROPRIATE ACTION. (10:11 AM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Joe Gieselman, Executive Manager, TNR; and Don Wheeler, Division Director, Road Maintenance/Fleet Services, TNR.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to approve Staff's recommendations on the restructuring of TNR's Road and Bridge Division.

A Clarification of the previous Motion was made by Judge Biscoe that the Court would like a report in 90 days.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

20. A. APPROVE A CONSTRUCTION AGREEMENT FOR AUSTIN'S COLONY PHASE IV; AND (9:55 AM)
- B. APPROVE A PLAT FOR RECORDING IN PRECINCT ONE: AUSTIN'S COLONY PHASE IV (LONG FORM PLAT – 185 LOTS – 37.73 ACRES – DEAF SMITH BOULEVARD – FISCAL POSTED WITH THE CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY HORNSBY BEND UTILITY COMPANY – CITY OF AUSTIN ETJ.) (COMMISSIONER DAVIS)

Clerk's Note: Items 20.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

21. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN AUSTIN'S COLONY PHASE TWO, PHASE THREE OF THE PHASING AGREEMENT, IN PRECINCT 1. (COMMISSIONER DAVIS) (9:18 AM)

Item 21 pulled from the Agenda.

22. APPROVE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND EANES INDEPENDENT SCHOOL DISTRICT TO JOINTLY FUND THE STP4C GRANT MATCH FOR THE DESIGN AND RECONSTRUCTION OF WESTBANK DRIVE. (COMMISSIONER DAUGHERTY) (9:55 AM)

Clerk's Note: Item 22 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

23. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: PORTER SUBDIVISION NUMBER TWO (SHORT FORM PLAT – 4 LOTS – 20.914 ACRES – BOB JOHNSON ROAD AT BLACK BEAR LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ONSITE SEWAGE FACILITIES – CITY OF AUSTIN ETJ.) (COMMISSIONER DAUGHERTY) (9:55 AM)

Clerk's Note: Item 23 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

24. APPROVE LICENSE AGREEMENT WITH BARTON CREEK SOUTHWEST COMMUNITY INC. FOR LANDSCAPE IRRIGATION AND DRAINAGE FACILITIES, IN THE RIGHT-OF-WAY OF BARTON CREEK BOULEVARD IN BARTON CREEK SECTION H, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (9:55 AM)

Clerk's Note: Item 24 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

25. A. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR BARTON CREEK SECTION H, A SUBDIVISION IN PRECINCT 3; AND (9:55 AM)
- B. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREET IN BARTON CREEK SECTION H, A SUBDIVISION IN PRECINCT 3.

Clerk's Note: Items 25.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

26. APPROVE A PRELIMINARY PLAN IN PRECINCT THREE: GARZA BRODIE SUBDIVISION (PRELIMINARY PLAN – 2 LOTS – 31.40 ACRES – BRODIE LANE – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – NO ETJ). (COMMISSIONER DAUGHERTY) (10:02 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Terry Irion, Attorney representing the developer; and Tom Nuckols, Assistant County Attorney.

Discussion only. No action taken.

Item 26 to be reposted on June 10, 2003.

27. APPROVE LICENSE AGREEMENT WITH SEVEN OAKS NEIGHBORHOOD ASSOCIATION INC. FOR LANDSCAPE IRRIGATION AND RETAINING WALL FACILITIES, IN THE RIGHT-OF-WAY OF MARLY WAY AND ATWATER COVE IN SEVEN OAKS SECTION 2, PHASE 2, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (9:55 AM)

Clerk's Note: Item 27 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

31. REVIEW AND DISCUSS FY03 BUDGET CHALLENGES IN HEALTH AND HUMAN SERVICES AND VETERANS' SERVICE DEPARTMENT AND TAKE APPROPRIATE ACTION. (2:17 PM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Valerie Spinelli, Budget Analyst, Planning and Budget Office (PBO).

Motion by Judge Biscoe **and seconded by** Commissioner Davis to authorize the transfer of \$250,000.00 from the Emergency Reserve, with the understanding that the Court will probably see Stephen Williams, Executive Manager, TCHHS&VS, back in four or five weeks; and to apply any cost-saving measures we can.

Maker and Second Accept the Friendly Amendment by Commissioner Sonleitner to earmark a \$500,000.00 amount on the Emergency Reserve.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Davis.

A Clarification of the previous Friendly Amendment was made by Commissioner Sonleitner that the \$829,842.00 that was already in the internal safety net be transferred, and that there be an earmark of \$750,000.00 on the Emergency Reserve, and that should get the department where it needs to be in a logical manner, in terms of which money gets spent first; and for this Court to keep a close watch on the expenditures coming out of the Emergency Reserve, and for us to be let in on it, if there are any spikes, upward or downward, related to the spending of those dollars.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

32. RECEIVE REPORT OF MONITORING VISIT TO TRAVIS COUNTY SCHOOL LANDS LOCATED IN THROCKMORTON COUNTY AND TAKE APPROPRIATE ACTION. (9:38 AM)

Members of the Court heard from: Jeff Ripley, Director, Texas Cooperative Extension of Travis County; and Tamara Armstrong, Assistant County Attorney.

Discussion only. No action taken.

35. RECEIVE AND DISCUSS THE FIRST REVENUE ESTIMATE FOR THE FY 2004 BUDGET PROCESS. (2:53 PM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; and Blain Keith, Chief Assistant County Auditor, Travis County Auditor's Office.

Discussion only. No action taken.

OTHER ITEMS

36. RECEIVE AND APPROVE TRAVIS COUNTY HISTORICAL COMMISSION BY-LAWS. (9:55 AM)

Clerk's Note: Item 36 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 37. CONSIDER REQUEST FROM ENDEAVOR REAL ESTATE GROUP LLC. FOR FINANCIAL INCENTIVES ON “THE DOMAIN” DEVELOPMENT PROJECT, AND TAKE APPROPRIATE ACTION. (10:42 AM)

Members of the Court heard from: Kirk Rudy, Endeavor Real Estate Group; Leroy Nellis, Budget Manager, PBO; David Armbrust, Legal Counsel, Endeavor Group; and Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner that a subcommittee of the Court, consisting of County Judge Sam Biscoe and Precinct Two Commissioner Karen Sonleitner, work with the County Attorney’s Office, and the Planning and Budget Office, the applicants, and the City of Austin, to the extent that that is feasible, on putting together a draft policy that sets forth appropriate criteria, and a draft contract that sets forth appropriate terms and conditions; and, to the extent that an interlocal with the City of Austin is important, that we do that, wherever we need to bring the TIF and TIF considerations into play, let us do that. The Motion, basically, is designed to indicate our inclination to participate, but our position that it would make sense to us to have a policy in place, and a draft contract that we can look at specifically.

A Clarification of the previous Motion was made by Judge Biscoe that what he had in mind was the Court getting with the City of Austin, and trying to figure out if they have added any more detail to their proposed contract then we have in what we have received; and to the extent that we can, we try to mirror that, and if we deviate from it, basically, the reasons for doing that.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 37 to be reposted on June 10, 2003.

- 38. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:55 AM)

Clerk's Note: Item 38 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

39. A. DISCUSS LEGISLATIVE ISSUES, INCLUDING PROPOSED BILLS, AND TAKE APPROPRIATE ACTION. (11:33 AM)

B. CONSIDER OTHER BILLS, IF ANY, IN RESPONSE TO ACTION TAKEN BY THE LEGISLATURE, AND TAKE APPROPRIATE ACTION.

Clerk's Note: Items 39.A and B are associated with one another and were called for concurrent discussion.

HB3588 (Sponsor – Representative Krusee) Relating to the construction, acquisition, financing, maintenance, management, operation, ownership and control of transportation facilities and the progress, improvement, policing and safety of transportation in the state.

Members of the Court heard from: Chris Shields, Travis County Legislative Consultant; and Tom Nuckols, Assistant County Attorney.

Discussion only. No action taken.

HB1204 (Sponsor – Representative Baxter) Relating to the authority of municipalities of counties to regulate subdivision in a municipality's extraterritorial jurisdiction.

Members of the Court heard from: Chris Shields, Travis County Legislative Consultant.

Discussion only. No action taken.

SB549 (Sponsor – Senator Barrientos) Relating to the creation of a judicial district composed of Travis County.

Members of the Court heard from: Chris Shields, Travis County Legislative Consultant; and Bob Kamm, Travis County Legislative Consultant.

Discussion only. No action taken.

ITEM 39 CONTINUED

**SB1017/HB1898 (Sponsors – Senator Wentworth and Representative Nixon)
Relating to the ability of a county to sue and be sued.**

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant; and Chris Shields, Travis County Legislative Consultant.

Discussion only. No action taken.

**SB1569/HB2212 (Sponsors – Senator Madla and Representative Mowery)
Relating to the continuation of legal land use in newly incorporated areas.**

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant; and Scheleen Walker, TNR.

Discussion only. No action taken.

**HB1701 (Sponsor – Representative Taylor) Relating to providing a uniform
limit on the population of a county election precinct.**

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant.

Discussion only. No action taken.

**HB2303/SB1166 (Sponsors – Representative Keel and Senator Barrientos)
Relating to conditions of employment for a peace officer or a detention officer
employed by certain sheriff's department.**

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant.

Discussion only. No action taken.

45. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLOUR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; NO. 02-50378; IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT (USDC CIVIL ACTION NO. A-00-CA-021-SS). ¹ (3:19 PM) (4:42 PM)

Clerk's Note: Judge Biscoe announced that Item 45 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 45.

Item 45 pulled from the Agenda until further notice.

46. CONSIDER REQUEST TO THE TEXAS TURNPIKE AUTHORITY TO DESIGN AND CONSTRUCT AN INTERCHANGE AT THE PROPOSED HOWARD LANE ARTERIAL DURING THE INITIAL CONSTRUCTION OF STATE HIGHWAY 130, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) ^{1 & 2}
(3:19 PM) (4:42 PM)

Clerk's Note: Judge Biscoe announced that Item 46 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't. Code Ann. 551.072, Real Property.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner Davis and seconded by Judge Biscoe to request that the Texas Turnpike Authority (TTA) go ahead and construct and design an interchange at State Highway 130 and proposed Howard Lane, during the interim construction of SH 130. In addition, that Travis County be responsible for at least, probably, 3,200 feet of constructing two lanes that is above grade; and that the private owners, and we are talking about three of them at this point – Stone, the Schreivers, and the Weavers, be responsible for constructing two lanes, at grade, for approximately 2,250 feet. These numbers may change. Also, in addition to that, that 1984 bond money be used by the County to do the A&E work that would be needed for this particular major arterial. In addition to that, the Court would like to direct the Assistant County Attorney to prepare the necessary warranty deed that would reflect these particular concerns as much as possible, and the commitment from the private owners of those three properties that were mentioned before; and prepare the necessary documents that would reflect this particular motion, including the conveyance issue, of easement. In addition to that, a phasing agreement should be looked at and approached, as we look toward the future in this particular endeavor. Also, the Court encourages TTA, that we are looking at this interchange, and hopefully that Howard Lane will be at grade. Also, that future monies be made available, that maybe the next bond election would be looked at for some of the funding for this particular project, as far as Travis County is concerned.

Maker accept the Friendly Amendment by Judge Biscoe that we need two documents – an agreement plus a deed; and that we prepare an appropriate agreement that sets forth Commissioner Davis's terms, and any other provisions that were discussed. Further, the Court directs Joe Gieselman, Executive Manager, TNR, to notify TTA that we seem to have reached agreement on this matter, but need specific language and a document that we can execute next Tuesday, June 3, 2003; during the Agenda, have it back on, hopefully come up with appropriate language, get with the property owners, so we can execute a document next week that seals the deal.

